

## REMARKS

This is intended as a full and complete response to the Final Office Action dated April 19, 2007, having a shortened statutory period for response set to expire on July 19, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 29, 30, 39-45, 49-61, 63-78, and 85-100 remain pending in the application after entry of this response. Claims 62 and 79-84 have been cancelled. Claims 61 and 85-88 stand rejected. Claims 29, 30, 39-45, 49-60, 63-69, and 72-78 are indicated to be allowable, and claims 62, 70, 71, and 89-94 are objected to. Claims 95-100 have been added. Reconsideration of the rejected claims is requested for reasons presented below.

### *Claim Objections*

The numbering of claims is not in accordance with 37 CFR 1.126. The Examiner has treated misnumbered claims 74-95 as claims 73-94.

Applicant has renumbered claims 74-95 as claims 73-94, respectively.

### *Election/Restrictions*

Newly submitted claims 79-84 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The apparatus as defined by the newly added claims 79-84 can be used to practice another and materially different process.

Claims 79-84 has been cancelled for being drawn to a non-elected invention.

### *Claim Rejections Under 35 U.S.C. § 102*

Claims 61 and 85-88 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by *Glowka* (US 5,343,968) (see "earth removal member" 14, "fluid passage"

15 and "secondary fluid passage" 43 and "one way valve" 42; and column 6, line 43 through column 8, line 29).

Applicant respectfully traverses this rejection. *Glowka* discloses drilling with a drill pipe having an injector assembly 40. The injector assembly 40 includes a sliding valve 42 and a side port 43. During the cementing operation, a stinger tube 30 is inserted to open move the sliding valve 42 in order to open the side port 43. (See col. 7, Ins. 47-49). Then, a mixture of cementitious mud is pumped downhoel through drill string 10 and out bit nozzles. (See col. 7, In. 65 to col. 8, In. 2, *emphasis added*). At the same time, a mixture of accelerator materials is pumped down the tubing assembly 20 and out side ports 43. (See col. 8, Ins. 2-6, *emphasis added*). Thus, the two components flow down separated pathways. The two fluid streams mix together below the bit 14 as they flow into the loss zone, thereby starting the chemical reaction that hardens the cement. (See col. 8, Ins. 6-9). *Glowka* discloses pumping the accelerator materials out of the side ports is desirable because the accelerator material may be too large for the bit nozzles. (See col. 8, Ins. 23-26). *Glowka* does not disclose or suggest directing a cement through the at least one secondary fluid passage into an annulus between the drill string and the borehole, as recited in claim 86. Withdrawal of the rejection is respectfully requested.

Claim 61 has been amended to include the limitations of claim 62, which was objected to by the Examiner. Therefore, Applicant believes the claim is in condition for allowance.

### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 29, 30, 32, 37, and 40-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee* (US 2004/0011566) in view of *Runia, et al.* '218 or *Glowka* '968.

Applicant believes the Examiner has mistakenly cited this rejection in the Office Action. As noted in two sections of this Office Action, these claims have been allowed. Further, this rejection is identical to the rejection on the previous Office Action, when claim 46 was still pending. Because Applicant believes this rejection was cited in error, Applicant has not addressed it here. If, however, this rejection is properly cited,

Applicant would direct the Examiner to the Applicant's comments in the previous response. Therefore, Applicant believes the claims are in condition for allowance.

***Allowable Subject Matter***


Claims 62, 70, and 71 have been rewritten in independent form as claims 61, 95, and 96, respectively. Allowance of the claims is respectfully requested.

***Conclusion***

The references cited by the Examiner, alone or in combination, do not disclose or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

  
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